HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17738 OF 2003

DATED: 14.12.2006

Between:

S.Md. Abbas

… Petitioner

and

The Revenue Divisional Officer,
Cuddapah and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17738 OF 2003

ORAL ORDER:

According to the petitioner, he and the 3rd respondent are adjoining landlords in Sy.No.9, Masapeta village, Rayachoty Mandal, Cuddapah District. While the petitioner has Ac.1.00 thereat, the 3rd respondent has Ac.3.00. On 22.9.2000, the petitioner applied to the Mandal Revenue Officer concerned, for a survey and demarcation to identify his land in Sy.No.9. On 25.11.2000, the MRO passed an order concluding that land in Sy.No.9 to an extent of Ac.1.00 as per document No.679 of 1900 claimed by the writ petitioner and as per the location determined by the Mandal Surveyor and as per the provisions of Survey and Boundaries Act, is correctly identified and ordered preparation of fresh S.D. Records.

Thereagainst, the 3rd respondent preferred an appeal to the 1st respondent on 2.12.2000. Aggrieved that the 1st respondent has not disposed of the appeal, the 3rd respondent preferred W.P.No.24952 of 2000. The writ petition was disposed of by the judgment of this Court

dated 18.12.2000 directing the 1st respondent herein to dispose of the 3rd respondent's appeal within three months and till then, directing that status-quo be maintained.

Pursuant to the directions of this court above, the 1st respondent by an order dated 1.7.2002 went into the whole dispute as to the boundaries, between the petitioner and the 3rd respondent and eventually directed that as the land in Sy.No.9 consists of Ac.12.16 cents in all, it would be administratively appropriate to survey and fix boundaries for the entire extent in Sy.No.9, as the exercise of sub-division record preparation would be inaccurate and would not be conducive to local peace. The 3rd respondent-appellant was directed to pay Rs.700/- for the 7 pattadars in Sy.No.9 for ensuring survey of the entire extent of Ac.12.16 cents.

Thereafter, the 1st respondent on 6.10.2002 noticing that the 3rd respondent did not deposit the amount as directed in his order dated 1.7.2002, directed the Deputy Inspector of Survey and Land Records, Revenue Divisional Office, Cuddapah, to fix up the boundaries of the land in respect of the petitioner and the 3rd respondent herein instead of going in for a survey and demarcation of the entire land in Sy.No.9. Eventually, the Deputy Surveyor of the 1st respondent's office surveyed the land of the petitioner and the 3rd respondent and submitted his report on 23.3.2003 to the 1st respondent. On the basis of the said report, the 1st respondent on 16.5.2003 addressed the 2nd

respondent directing provision of police aid to the petitioner, for enjoyment of the petitioner's property in accordance with the report dated 23.3.2003. Thereafter, by a letter dated 14.6.2003 addressed to the MRO, Rayachoty, the 1st respondent recanted from his earlier decision (contained in his letter dated 16.5.2003). As a consequence, the petitioner alleges, the 2nd respondent is not extending police aid to him.

In the meandering proceedings chronicled above, there is as yet no proper survey of the entire extent of Ac.12.16 cents in Sy.No.9 leading to a regnant, relentless tussle between the petitioner and the 3rd respondent, with regard to the identity of their respective properties.

Establishment of peace is the duty and obligation of the State. The reluctance of the 3rd respondent to deposit the amount of Rs.700/-, as directed in the 1st respondent's order dated 1.7.2002, appears irrational. Equally irrational is the subsequent order of the 1st respondent dated 6.10.2002 directing survey of only the petitioner's and the 3rd respondent's land. The report submitted by the Deputy Surveyor of the 1st respondent's office dated 23.3.2003 surveying only the lands of the petitioner and the 3rd respondent has also not solved the problem either to the satisfaction of the petitioner or even to the satisfaction of the 3rd respondent.

In the aforesaid circumstances, the writ petition is disposed of directing the 1st respondent to forthwith and personally supervise the

survey of the entire extent of Ac.12.16 cents in Sy.No.9 with the assistance of the appropriate technical apparatus and personnel. The 1st respondent shall conduct and conclude the survey and prepare the report within a period of 15 days from the date of receipt of a copy of this order. The learned counsel for the petitioner and of the 3rd respondent undertake before this court that the petitioner and the 3rd respondent will deposit Rs.350/- each before the 1st respondent within 7 days from the date of receipt of a copy of this order, towards the cost of the survey of the entire extent of land in Sy.No.9.

A copy of the survey report, pursuant of the survey as directed above shall be furnished to the petitioner and the 3rd respondent, by the 1st respondent within 30 days from the date of receipt of a copy of this order, by Registered Post Acknowledgment Due, without fail or demur. On receipt of such report, the parties are at liberty to pursue their remedies in accordance with law.

The writ petition is disposed of as above. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 14.12.2006

Note: CC as soon as possible.
Bo cvm